

Conference of the Swiss Association for Gender Studies (SGGF/SSEG)

«Violent Times, Rising Protests. Structures, Experiences, and Feelings»

12/13 September 2019, University of Bern

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16:15 – 17:45

Panel 1

Room 006, Chair: Michelle Cottier

Recht als Gewalt – Recht gegen Gewalt

«Der Gewaltbegriff der Istanbul-Konvention in der Schweiz: Schutz oder Ausschluss?»

Nula Frei, Institut für Europarecht, Universität Freiburg i.Ue., Switzerland

Die Istanbul-Konvention basiert auf der Anerkennung, dass Gewalt gegen Frauen als geschlechtsspezifische Gewalt strukturellen Charakter hat und dass deren Bekämpfung notwendig zur Erreichung der Geschlechtergleichstellung ist. Der Panelbeitrag geht in einem ersten Schritt der Frage nach, von welchem Verständnis von «Gewalt» die Istanbul-Konvention ausgeht. In einem zweiten Schritt wird die Umsetzung der Konvention in der Schweiz im Hinblick auf diesen Gewaltbegriff untersucht. Ein Blick auf die für die Umsetzung zuständigen staatlichen Akteure verrät, dass bislang nur «klassische» häusliche Gewalt im Fokus stand, oder in den Worten eines Teilnehmers an der nationalen Tagung zur Umsetzung der Istanbul-Konvention am 13. November 2018 in Bern: «Gewalt in der bürgerlichen Ehe, begangen von weissen cis-Männern an weissen cis-Frauen». Der Panelbeitrag untersucht deshalb, inwiefern die Istanbul-Konvention, die immerhin den Anspruch hat, «eine echte Gleichstellung von Frauen und Männern, auch durch die Stärkung der Rechte der Frauen, zu fördern» (so die Präambel zur Konvention), in ihrer Umsetzung in der Schweiz nun selber Exklusionen bewirkt, die letztlich den Schutz vor Gewalt an Frauen*, die nicht der Mehrheitsgesellschaft angehören, verhindern, wie etwa die ausserhalb der Schweiz begangene Gewalt an Flüchtlingsfrauen. Auch ob Gewalt an Transfrauen überhaupt unter die Konvention fallen kann, wird von staatlichen Akteuren in der Schweiz teilweise bezweifelt; der Entscheid des Ständerates vom 27. November 2018, transphobe Diskriminierung nicht als Straftat zu verbieten, ist hierfür ebenfalls symptomatisch. Der Panelbeitrag untersucht, inwiefern die Istanbul-Konvention Hand bieten kann für einen inklusiveren Schutz vor Gewalt und wie dieser im Schweizer Institutionengefüge Platz findet.

« L'incrimination des mutilations génitales féminines à la lumière des droits humains : le droit comme moyen de protection ou vecteur de discrimination ? »

Anne Laurence Graf, Centre suisse de compétence pour les droits humains, domaine migration,
Université de Neuchâtel, Switzerland

La Convention d'Istanbul considère, conformément au droit international des droits humains, les mutilations génitales féminines (MGF) comme une forme de violence fondée sur le genre. Son article 38 oblige les Etats à incriminer « l'excision, l'infibulation ou toute autre mutilation de la totalité ou partie des labia majora, labia minora ou clitoris d'une femme », ainsi que le fait de contraindre ou d'inciter une femme ou une fille à subir une MGF. En Suisse, l'article 124 du code pénal (CP) incrimine, depuis le 1er juillet 2012, le comportement de « celui qui aura mutilé des organes génitaux féminins, aura compromis gravement et durablement leur fonction naturelle ou leur aura porté toute autre atteinte ». Suivant l'argument selon lequel les MGF auraient lieu dans le pays d'origine des victimes, l'article 124, al. 2, CP établit par ailleurs la compétence (universelle) s'agissant des MGF commises à l'étranger, dès lors que l'auteur se trouve sur le territoire suisse. La première condamnation, en juillet 2018, d'une mère pour des MGF commises en Somalie à l'égard de ses filles, soulève des questions à la lumière des droits humains : dans quelle mesure l'incrimination des MGF protège-t-elle les femmes ? Participe-t-elle d'un autre type de discrimination fondée sur le genre (la mère, en raison du carcan culturel) ou, au contraire, d'une protection essentielle contre la violence qui touche, par nature, les victimes de sexe féminin (ses deux filles) ?

« Geschlechtsblindes, geschlechtsoffenes oder geschlechtsloses Recht? – Überlegungen zum «Dritten Geschlecht» »

Sandra Hotz, Universität Zürich / Schweizerisches Institut für feministische Rechtswissenschaft und Gender Law (FRI), Switzerland

Wie sind die Urteile des deutschen Bundesverfassungsgerichts und des Österreichischen Verfassungsgerichtshofs zum «Dritten Geschlecht» für das aktuelle Verhältnis von Geschlecht und Recht zu deuten? Gehen dem Recht das geschlechtliche, das sexuelle und/oder das fortpflanzungsfähige Subjekt langsam abhanden? Wird dadurch das Recht dadurch geschlechtsoffen oder geschlechtsblind? Ist das Urteil ein Highlight oder letztlich auch ein Anwendungsfall gegen die geschlechteroffene Partizipation? Wie sind die Entwicklungen in der Schweiz? Was wäre für einen künftigen schweizerischen Lösungsansatz zu beachten, um zu einem Recht zu kommen, das darauf verzichtet, Personen eine bestimmte Geschlechtsordnung zu oktroyieren? Und welches sind die denkbaren Auswirkungen auf Gewaltaspekte? Der Beitrag wird zunächst auf naturwissenschaftliche Debatten verweisen, die sich mit dem Spektrum des Geschlechts auseinandersetzen und dann darauf eingehen, inwiefern diese Vorstellungen von Geschlecht sich im Recht verwirklichen. In diesem Zusammenhang ist auch die langwierige Schweizer Frauenrechtsbewegung und ihr Kampf um rechtliche Anerkennung und gegen geschlechtsspezifische Gewalt von Bedeutung. Es soll der Frage nachgegangen werden, was rechtliche Integration heute bedeutet, welche Relevanz die Geschlechtsangabe im Recht hat und welche rechtspolitischen Perspektiven sich – gerade im Hinblick auf die neuen Urteile zur Geschlechtseintragung im deutschsprachigen Raum – eröffnen. Zudem sollen Überlegungen angestellt werden, welche Auswirkungen dies auf die Gewaltdebatte hat.

«(Un-)möglichkeiten politischer Partizipation: Strukturelle Gewalt im Verfassungsstaat»

Manuela Hugentobler, Institut für öffentliches Recht, Universität Bern / Schweizerisches Institut für feministische Rechtswissenschaft und Gender Law (FRI), Switzerland

«Der Staat ist seinem Wesen nach von so entschieden männlichem Charakter, dass die Frauen nur einen mittelbaren Antheil an ihm haben können. [...] Die berühmten politischen Frauen haben meistens den Staaten und den Ihrigen Schaden gebracht». Johann Caspar Bluntschli, Professor an der Universität Zürich, formulierte in seinem Werk zum Allgemeinen Staatsrecht von 1852 unter dem Titel «Verhältnis des Staates zur Familie; Frauen», was allgemeiner Konsens war. Mittlerweile ist die Regelung der politischen Rechte in der Schweiz zwar formal geschlechtsblind. Verfassung und Rechtssystem unterlagen seit 1848 jedoch kaum revolutionären Veränderungen, diskriminierende Strukturen existieren nach wie vor. Nicht restlos geklärt bleibt, inwiefern die rechtlichen mit den tatsächlichen Bedingungen interagieren; ob also durch das Recht die tatsächlich diskriminierenden Verhältnisse auszugleichen sind, oder ob dieses jene überhaupt erst hervorbringt. In der feministischen Theorie gibt es einige Arbeiten dazu, die deutlich machen, inwiefern Staatsbürgerschaft als Konstitutionsmoment politischer Intelligibilität verstanden werden muss. Im liberalen Verfassungsstaat können nicht alle Personen, alle Körper und alle Geschlechter als freie Staatsbürger gelesen werden. Es gilt, bestimmte Bedingungen zu erfüllen, um tatsächlich mitentscheiden zu können. Christine Klappeer hat das in Bezug auf Staatsbürgerschaft und lesbische Existenz nachvollziehbar herausgearbeitet. Sie beschreibt unter anderem, wie die entkörperte Universalisierung des Männlichen als das allgemeine politische Subjekt unentbehrliche Grundlage für den heute existierenden Staat darstellt. Es drängt sich die Frage auf, inwiefern das strukturelle Unsichtbarmachen von abweichenden Identitäten im und durch Recht Gewalt darstellt. In diesem Beitrag soll darüber nachgedacht werden, inwiefern die Verankerung von politischen Rechten in einer patriarchalen Normalität und damit der gewaltsame Ausschluss von anderen aus der Partizipation im Verfassungsstaat dessen Legitimation unterminiert.

« Regard queer sur la justice en Suisse »

Nils Kapferer, Université de Bâle / Institut suisse d'études juridiques féministes et gender law (FRI), Switzerland

La justice peut aussi bien s'entendre comme une valeur fondamentale, un principe organisateur que comme une administration humaine à laquelle participent notamment les tribunaux. Quelle est la perception de la justice en Suisse par les personnes OSIEGCS (de l'orientation sexuelle, l'identité ou expression de genre et aux caractéristiques sexuées) ? Quelle conscience légale ont-elles ? Qu'attendent-elles de la justice ? Quelles sont les difficultés rencontrées pour obtenir justice ? C'est notamment à ces questions que mon travail de thèse souhaite apporter des éléments de réponse, d'une part en donnant la parole aux personnes concernées et d'autre part en portant un regard queer sur la justice et le droit. Par ailleurs, je souhaite porter un regard queer sur les revendications des mouvements LGBTI pour l'obtention de droits tels que le mariage pour tou-te-s, la criminalisation des propos LGBTI-phobe, le droit à l'adoption, etc. Ce regard a pour but, notamment, d'interroger qui revendique ces droits ? Qui les octroie ? Qui en bénéficie et les utilise ? Et qu'en est-il des personnes qui ne le font pas ?

Panel 2

Room 007, Chair: Virginia Richter

Masculism, Right-wing Populism and its Effects on Gender/Feminist Studies (in Europe)

«The ban on Gender Studies in Hungary: Institutional violence and forms of protest against it»

Erzsébet Barát, University of Szeged & CEU, Budapest, Hungary

I explore the discourse strategies of the current Hungarian official right wing populist politics in which women, sexual minorities, people with non-conforming gender identities as well as feminist academics are sacrificed in a situation when hate-speech has become the daily routine of communication - triggered by the ideal man's rage at the (imaginary) loss of his entitlement. The stigmatization of <gender> as <ideology> has become a central element of this political discourse in Hungary since 2010 – resulting in the ban of MA in Gender Studies on October 13, 2018. I draw on a social semiotic model of polyvocal meaning that goes beyond the post-structuralist understanding that all meanings should be ideological – a position that is counter-effective for feminist knowledge and movement alike. I shall argue that without such a move there is no epistemological ground left for feminism to reclaim gender as a key category of critical analysis, one that is to expose the ideological investments of particular meanings for the <naturalization> of unequal relations of power. It is of particular importance in Hungarian feminist debates in the name of <radical feminism> that enact Lauren Berlant's (1997) <specular sports> when appealing to a dividing line between <structural> and as such <real> forms of (economic) domination versus merely 'cultural identitarian' political struggles.

«Dominante Männlichkeit und neoreaktionäre Weltanschauungen»

Franziska Schutzbach, Universität Basel, Switzerland

Der Vortrag beleuchtet Geschlechterkonstruktionen in der so genannten Pick Up Artist-Szene. Pick Up Artists bilden eine Selbsthilfe-Community, in der Männer lernen, wie sie Frauen <verführen>. Die Szene ist mittlerweile weltweit aktiv, in den letzten Jahren wurde mehrfach herausgestellt, dass die proklamierten <Verführungs>techniken alles andere als harmlos sind: Vorgeschlagen werden manipulative Methoden bis hin zur Gewaltanwendung. Frauen werden auf den Status von Objekten reduziert, während Männer als <Alphas> gefeiert werden. Jüngst wurde vor allem im US-amerikanischen Raum (Tendenzen gibt es auch im deutschsprachigen Raum) deutlich, dass es zwischen der Pick Up Szene und neurechten Bewegungen wie Alt Right zahlreiche Überschneidungen gibt. Wie es scheint, bilden maskulistische Ideologien häufig einen Ausgang für die politische Radikalisierung junger Männer. Der Vortrag analysiert einige Schlüsseltexte der US-amerikanischen und deutschen Pick Up-Szene und fragt, welche Geschlechterideologien die maskulistischen Prämissen konstituieren, und in welcher Weise diese der Boden für neurechte Weltanschauungen und Radikalisierung sein können.

Panel 3

Room 106, Chair: Carolin Fischer

Examining Links between Migration, Gender and Violence: Conceptual Approaches and Empirical Example

«The Vulnerability of Deservingness: Readmission and Resettlement in the EU Border Regime»

Sabine Strasser, Institute of Social Anthropology, University of Bern, Switzerland

Human beings' vulnerability is cutting life short but it can also shape groundwork for global responsibilities, political institutions and infrastructures, as Judith Butler has shown in her recent work on alliances. Vulnerability has been translated into injury or disturbances in social anthropology's disaster research and plays a major role in exploring the Anthropocene. Yet, until recently, the definitions of vulnerability as a key managerial term of refugee resettlement has attracted surprisingly little attention in theorizing vulnerability. Still, these definitions are decisive for refugees' un/deservingness of being rescued and resettled or left behind for readmission and deportation. Due to its apparently universal imperative and its entanglement with applied research, I assume, the gendered, sexualized and hence neo-orientalizing potential of vulnerability in resettlement procedures have been neglected. In this contribution, I exemplify the distribution of un/deservingness by the EU-Turkey border regime focusing on its crucial tools of refugees' readmission and resettlement. I first describe and analyse the border spectacle in the context of the EU-Turkey Agreement 2016 to show how readmission and resettlement were framed and related with gendered and sexualized vulnerability at violent borders. Then, drawing on an ethnographic fieldwork on the EU-Turkey borderlands, I trace the concept of vulnerability in these processes and unfold how it assists to differentiate between deserving and undeserving refugees along the narrative of sexual democracy and gender equality in Europe. I argue that the EU border regime applies vulnerability as a marker of deservingness to reaffirm the epistemic violence of neoorientalism in its border regime.

«Autopsy of a Police «Domestic Violence» Intervention»

Faten Khazaei, PhD candidate, Centre for the Understanding of Social Processes, University of Neuchâtel, Switzerland

Through the analysis of an ethnographic account of a police emergency intervention for a domestic violence case, involving a Cameroonian family in a Swiss canton, this paper tackles the question of authority of naming and defining 'violence' in the interaction between public agents and their beneficiaries. Who has the power of defining an act or a situation as violent, what is considered tolerable and what is in turn silenced? Whose perception prevails, and whose experience is

recognized or in turn ignored in the process? What power relations are at play and what are their consequences? To answer these questions, the analysis brings together two dimensions of public and private spheres where the intimate sphere of a migrant family becomes the site of a public interference by state agents. The visibility of some expressions of violence and the invisibility of others during this sequence of fieldwork, and the symbolic position of different actors of the scene, namely the police officers, the woman victim of her husband's violence, the husband and their children, allows to question the obviousness of violence to be «condemned». By disentangling multiple forms of it, namely symbolic, affective, gender-based and physical violence, the analysis connects the domestic violence and the state violence lived by the victim whose repetitive experiences of a mortifying routine of police intervention becomes a reminder of her social position as a woman, a migrant and a victim to be interiorized. Police intervention here goes beyond enforcing public order but enforces a social order that commands a habitus of humility.

«Approaching Gendered Articulations and Repercussions of Violence in Refugee Reception and Settlement»

Carolyn Fischer, Laboratoire d'études des processus sociaux, Université de Neuchâtel, Switzerland

It is widely assumed that violence ends once refugees arrive at their destination and are granted protection. This masks the fact that refugee reception and settlement are not only protective but also marked by experiences of destitution, legal precariousness, dependency, hostility, xenophobia and sometimes overt physical harm. Such experiences can also be framed as violence, which is a multifaceted and established concept in social research. Origins and consequences of such experiences, however, have not yet been examined from perspectives of violence. To start filling this gap, this paper examines how the literature accounts for articulations of violence, which continue to affect refugees even after they were granted protection. Focusing on theoretical contributions and empirical studies of refugee reception and settlement it investigates how and with what effect different actors perceive and are involved in articulations of violence, including refugees themselves, state authorities and representatives of civic support structures. Articulations and experiences of violence vary according to different categories of classification and self-identification with gender being particularly salient. Consequently, the paper seeks to establish how an intersectional perspective may enable us to theoretically grasp and empirically approach experiences violence and their repercussions in contexts that are widely perceived as safe havens.

**«Gendernationalism» and externalized borders regimes:
The case of Sri Lankan spouses seeking to join their partners in Europe»**

Janine Dahinden, Laboratory of the study of social processes and NCCR-on the move, University of Neuchâtel, Switzerland

Nation-states and corresponding migration regimes produce different forms of violence. Images of refugees drowning in the Mediterranean or media reports about violent deportations are well-known examples, which we encounter frequently. However, there exist more subtle forms of violence related to border regimes, which are highly gendered and which are – as I will argue – linked to gendernationalism. Gendernationalism is a form of nationalist exclusion where gender equality becomes a yardstick to assess who is or is not compatible with – and therefore eligible to belong – to a «Western» society. In this paper, I focus on a particular form of externalization of borders. I examine how spouses waiting in Sri Lanka to be reunited with their partner in Europe experience border regimes. In recent years, some European countries introduced compulsory (language) courses for citizens of so-called third countries who seek to apply for a family-reunification visa to join their spouse. According to the official discourse, these regulations not only aim to facilitate the 'integration' of these women, but also to prevent forced marriages. I will show how language courses in the country of origin became integral part of externalized European borders and which effects such externalization has on the spouses. This specific form of Gendernationalism creates a paradox. It enhances the vulnerability of waiting spouses by subjecting them to restrictive language requirements whilst pushing them into neo-oriental, subaltern positions at the same time.

«Insecurities for women? Continuum of violence in conflict-induced refugee camps»

Ulrike Krause, IFHV, Ruhr-Universität Bochum, Germany

That women are exposed to a variety of dangers in refugee situations, especially in camps, has been widely discussed in studies since the 1980s. However, empirical findings from research with refugees who fled the conflict in the Democratic Republic of the Congo seeking safety in Uganda suggest that such dangers are not limited to refugee camps. In contrast, violent phenomena in camps reveal linkages to conflict-related violence proposing a continuum of violence during conflict, flight and encampment. The paper will discuss concrete risks of violence for women during the phases and thus outline the continuum.

Panel 4

Room 107, Chair: Victor Strazzeri

Biopolitics and Violence

«Making Sense of a Moral Panic: Russia's Biopolitics of Sexual Sovereignty Discipline/field: Gender studies»

Dmitri Dorogov, PhD Candidate in Comparative Gender Studies, Central European University, Budapest, Hungary

The presentation offers a poststructuralist discourse-analytical study of the anxieties over sexuality, sexual norm and sexual behavior of Russian citizens that have dominated the mainstream political debate in the country since 2012. Over this period, problematizations of homosexuality and other «alien deviations» have been articulated as primary matters of national and state security; the field of discursivity around sexuality and sexual norm has become a dynamic, tumultuous space instigating what has many attributes of a moral panic. To transcend the limited framework of methodological-nationalist analyses of sexual politics, I argue that the ways these anxieties over homo/sexuality have been collocated in Russia with the signifiers *national security*, *cultural sovereignty* and *traditional values* are symptomatic of the liminal post-colonial positionality of the Russian political subject vis-à-vis the «West». Challenging the narrow presumption that homophobia is always (and only) about homosexuality — a logic that pre-empts thinking contextually, historically, and conceptually about what might be at stake in claims to homosexual rights or against them in various geopolitical spaces, I argue that the homophobic panic in Russia is a culturally complex phenomenon entangled in the subaltern empire's quest to articulate its national identity in relation to its constitutive outside - the «West». Reading the moral panic via Homi K. Bhabha's theory of hybridity, I will demonstrate how the Russian political subject is caught in mimicry of the Western hegemonic political discourse, reversing and subverting it to construct a *paleoconservative* imaginary of anti-Modern indigeneity in the absence of an authentic resource for national identity politics.

«The invention of «fascists-pederasts»: the re-criminalisation of homosexuality in the Soviet Russia (1933-1934)»

Ira Roldugina, DPhil candidate, Faculty of History, University of Oxford, UK

In 1917 the Bolsheviks abrogated the article that criminalized homosexual relations between men. It was a genuinely revolutionary step. Russia became the second country in the world after France to decriminalize homosexuality. However, it was not an unexpected measure. The decriminalization had been actively discussed and prepared in the last decades of Imperial Russia. My research is mainly focused on the consequences of this step, namely vernacular (i.e. grassroots) queer agenda and its evolution in Russia in the first decades of the twentieth century. It argues that in the course of 30

years queer people made a way from «sinful» consumption of homosexual sex to articulation of their rights, social visibility and the demands of respect and acknowledgement from the new Socialist state. This process had been stopped in the 1930s by the targeted and still obscure repressions towards homosexuals conducted by the secret police (OGPU), then in the atmosphere of secrecy and silence criminal article for homosexual sex had been restored (1934). In my paper, based on the archival sources previously overlooked by historians, I will try to show the mechanisms of repressions towards Soviet homosexuals in the 1930s, the reasoning behind it, and the influence has been made on the development of homophobia in Soviet and post-Soviet Russia.

**«The Violent Biopolitics of Pre-Exposure Prophylaxis (PrEP).
Homonormativity, Sexual Ethics, and Democracy»**

Karsten Schubert, Universität Freiburg, Germany

PrEP (Pre-Exposure Prophylaxis) is a relatively new drug-based HIV prevention technique and an important means to lower the HIV risk of gay men who are especially vulnerable to HIV. From the perspective of biopolitics, PrEP inscribes itself in a larger trend of medicalization and the rise of pharmapower. In order to highlight the specific political and epistemological violence at stake, I reconstruct and evaluate contemporary literature on biopolitical theory as it applies to PrEP, by bringing it in a dialogue with a mapping of the political debate on PrEP. As PrEP changes sexual norms and subjectification, for example condom use and its meaning for gay subjectivity, it is highly contested. I show that the debate on PrEP can be best described with the concepts «sexual-somatic ethics» and «democratic biopolitics», which I develop based on the biopolitical approach of Nikolas Rose and Paul Rabinow and which allows to analyze violent hetero- and homonormativity in the debate. In contrast, interpretations of PrEP which are following governmentality studies or Italian Theory amount to either farfetched or trivial positions on PrEP, when seen in light of the political debate, due to their emphasis on the general violence of modern biopolitics. Furthermore, the paper is a contribution to the scholarship on gay subjectivity, high-lighting how homophobia and homonormativity haunts gay sex even in liberal environments, and how PrEP can serve as an entry point for the destigmatization of gay sexuality and transformation of gay subjectivity. I propose the concept of «biopolitical democratization», which entails making explicit how medical technology and health care relates to sexual subjectification and ethics, to strengthen the voice of (potential) PrEP users in health politics, and to renegotiate the profit and power of Big Pharma.

«Ukrainian «simple citizen» as an instrument of symbolic violence in neoliberal conservatism»

Oleksandra Tarkhanova, Bielefeld Graduate School in History and Sociology, Bielefeld University, Germany

Since 1991 the Ukrainian state constructed its legitimacy using the subject position of a vulnerable «needy» woman with children or family with children, retaining a strong ideology of «state paternalism», despite external and internal pressures for neoliberal reforms. After the 2014 political, economic and military crises under the influence of the international financial organizations, the state implemented extensive welfare cuts and reduction of state expenditures, which disproportionately impacted women. This change was legitimized in the parliament and policy texts with a newly assembled ideology of neoliberal conservatism, which was founded on the dominant nationalist ideology, framing these cuts as imperative for a long in the making *post-socialist* national «transition» in the face of war, economic crisis and «geopolitical choice» of Europeanization. The subjects of «ordinary family» and «simple citizen» are central to this ideology, combining neoliberal aspects of individual responsibility, self-investment and «fair» competition with conservative expectations of national belonging. In this paper I show how this discourse is constructed in policy debates on welfare and labour legal changes from 2014 to 2017 and how it radically reduces the available space for a legitimate gendered subject of state policies and for an intelligible subject of state discourses. An «ordinary family» is necessarily a heterosexual conjugal family with children of a certain socio-economic class, and a «simple citizen» is necessarily an able-bodied employed self-sufficient person, who is usually not a woman. The paper will illustrate how socio-economic violence of welfare cuts is combined with symbolic delegitimization of vast categories of people.